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UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF THOMAS J.
PARDINI IN SUPPORT OF
PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL ITS MOTION
FOR JURY INSTRUCTION BASED
ON SPOILIATION (DKT. 2197)**

I, Thomas J. Pardini, declare as follows:

1. I am a member of the Bar of the State of California and an attorney at the law firm of Morrison & Foerster LLP. I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein. I make this declaration in support of Plaintiff Waymo LLC's Administrative Motion to File Under Seal Its Motion for Jury Instruction Based on Spoliation (Dkt. 2197).

2. I have reviewed the following documents and confirmed that only the portions identified below merit sealing:

Document	Portions to Be Filed Under Seal
Waymo's Motion for Jury Instruction Based on Spoliation ("Motion")	Red Boxes
Exhibit 1	Entire Document
Exhibit 3	Red Boxes
Exhibit 4	Red Boxes
Exhibit 7	Red Boxes
Exhibit 10	Entire Document
Exhibit 12	Entire Document
Exhibit 15	Red Boxes
Exhibits 18-19	Red Boxes
Exhibits 23-25	Entire Documents
Exhibits 26-27	Red Boxes
Exhibit 28	Entire Document

3. The entirety of Exhibit 1 is an internal Uber document containing highly confidential information regarding strategic business considerations for Uber's self-driving car program. This information is not publicly known, and its confidentiality is strictly maintained. I understand that disclosure of this information could allow competitors to acquire knowledge into

1 Uber's business strategy, including technical and market considerations. Uber's competitive
2 standing could be significantly harmed.

3 4. The red boxes in Exhibits 3, 4, 7, 15, 18, 19, 26, and 27 contain contact
4 information of current and former company employees, including personal phone numbers, email
5 addresses, and home addresses. Similarly, the entirety of Exhibit 10 contains confidential
6 information regarding cell phone information of a former Uber executive, including detailed
7 configuration information. These individuals' electronic communications may become
8 compromised if this information were disclosed to the public. Defendants seek to seal this
9 information in order to protect the privacy of these individuals because this lawsuit is currently
10 the subject of extensive media coverage. Disclosure of this information could expose these
11 individuals to harm or harassment.

12 5. The entirety of Exhibit 12 contains references to highly confidential third party
13 vendors, some of whom have NDAs with Uber, interspersed throughout the communications log.
14 Defendants request this information be sealed to protect these confidential business relationships
15 from disclosure and possible interference from competitors.

16 6. The entirety of Exhibit 23 is an email exchange among individuals involved in
17 negotiations with Uber over a draft business agreement, including an analysis of the detailed
18 terms and conditions of that draft agreement. The entirety of Exhibit 24 contains a draft of that
19 same business agreement, including terms and conditions such as the specific obligations and
20 responsibilities of each party, detailed commercial and financial terms, and comments and edits
21 from various reviewers. The red boxes in Waymo's Motion contain references and citations to
22 these two exhibits. This information is not publicly known, and its confidentiality is strictly
23 maintained. I understand that disclosure of this information could allow competitors and
24 counterparties to gain insight into how Uber has negotiated its business agreements, allowing
25 them to tailor their own negotiation or business strategy to the detriment of Uber.

26 7. In addition, portions of Exhibit 23 contain the personal email addresses of current
27 and former company employees. These individuals' electronic communications may become
28 compromised if this information were disclosed to the public. Defendants seek to seal this

1 information in order to protect the privacy of these individuals because this lawsuit is currently
2 the subject of extensive media coverage. Disclosure of this information could expose these
3 individuals to harm or harassment.

4 8. The entirety of Exhibit 25 is an email exchange containing information regarding
5 the structure of investments among certain companies, including detailed financial information.
6 Defendants understand that similar information has previously been designated confidential by
7 counsel for the Sandstone Group, Tyto LiDAR, and/or Ognen Stojanovski.

8 9. The entirety of Exhibit 28 is a business agreement that contains highly confidential
9 information regarding terms and conditions, such as the specific obligations and responsibilities
10 of each party, financial terms related to ongoing third-party contracts, compensation information
11 for specific employees, and pricing information for various technology services and equipment.
12 This information is not publicly known, and its confidentiality is strictly maintained. I understand
13 that disclosure of this information could allow competitors and counterparties to gain insight into
14 how Defendants structure their business agreements, as well as specific third-party contract terms
15 and pricing information, allowing them to tailor their own negotiation or business strategy to the
16 detriment of Defendants.

17 10. Defendants' request to seal is narrowly tailored to the portions of Waymo's
18 Motion and supporting exhibits that merit sealing.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed this
20 17th day of November, 2017 at San Francisco, California.

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22 /s/ Thomas J. Pardini

23 Thomas J. Pardini
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